



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,695	08/07/2002	Adrian Hilary Berry	201-0690	9320
28549	7590	11/07/2003		
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			EXAMINER STONE, JENNIFER A	
			ART UNIT	PAPER NUMBER
			2636	3
DATE MAILED: 11/07/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

KS

Office Action Summary

Application No.

10/064,695

Applicant(s)

BERRY ET AL.

Examiner

Jennifer A Stone

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

Claim Rejections - 35 USC § 112

1. Claims 2 and 6 recite the limitations "rolling tire in a rolling locations" and "spare tire in a spare location" in reference to claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by DeZorzi (U.S. 6,232,875).

For claim 1, DeZorzi discloses a method for operating a tire pressure monitoring system that contains a spare tire(s), which is placed in an auxiliary location other than the rolling tires, and a programmable controller including memory for processing decoded signals to provide an audible indication or warning signal (col 3, Ins 16-18; col 4, Ins 4-7, 55-58; col 6, Ins 63 and 64). The decoded signals include speed of the vehicle and identification information (col 3, Ins 55-59; col 10, Ins 18-21). The controller controls the timing of transmitting and receiving data messages such as the identification signals (col 5, Ins 34-36). Predetermined rates of speed as well as time are set for 3 different modes: normal, pre-sleep, and sleep. Monitoring the vehicle's

conditions in normal mode are as follows: When the vehicle's rate of speed is greater than 10 MPH, the rate of time that the vehicle's conditions are monitored are greater than 10-25 minutes (col 7, Ins 14-26, 35-45). The cumulative time for each operation mode is measured in predetermined intervals as follows:

Normal mode: 4-10 seconds (col 7, Ins 19-26)

Pre-sleep mode: 10-25 minutes (col 7, Ins 43-45)

Sleep mode: 10-45 minutes (col 8, Ins 24-27).

The warning signals from the controller can be sent to an auxiliary location such as a hand-held portable device or a fob (col 4, Ins 22-26).

For claim 2, DeZorzi discloses that more than one spare tire can include sensor/transmitter modules (col 3, Ins 13-18). The claim is interpreted as, "an auxiliary tire that is not in a rolling location, but could be a spare tire in a spare location."

For claim 3, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above.

For claim 6, the claim is interpreted and rejected for the same reasons as stated in the rejections of claims 1 and 2 as stated above where an auxiliary location is a spare location.

For claim 7, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 1 as stated above.

Claims 8-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by DeZorzi (U.S. 6,232,875).

Claim 8 is interpreted and rejected for the same reasons as stated in the rejection of claim 1 as stated above. In addition, it is inherent that a timer is included in the control circuit to control the timing of the tire condition measurements and timing transmission of data messages (col 5, Ins 34-36).

For claim 9, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 1 as stated above.

For claim 10, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 6.

For claim 11, DeZorzi discloses that the warning signal messages are visually displayed such as on an LCD display screen (col 4, Ins 8-13).

For claim 12, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above.

For claim 13, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 3 as stated above.

For claim 15, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1 and 2 as stated above.

Claims 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by DeZorzi (U.S. 6,232,875).

For claim 16, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1, 2, and 8 as stated above.

For claim 17, DeZorzi discloses the controller being electrically coupled to the RF transmitters in the rolling tires or any of the spare tires including the auxiliary tires (col 3, lns 16-28).

For claim 18, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above.

For claim 19, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 7 as stated above.

For claim 20, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1 and 2 as stated above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeZorzi as applied to claim 1 above, and further in view of Taylor (U.S. 1,954,153). DeZorzi does not include an auxiliary tire comprising a trailer tire(s). However, Taylor does disclose a plurality of spare tires or auxiliary tires, including trailer tires, where the pressure is monitored on a dashboard display (col 1, lns 6-12; col 2, lns 78-80; col 4, lns 141-148; col 5, lns 29-32). It would have been obvious to one of ordinary skill in the art,

at the time the invention was made to include a system for monitoring the pressure of auxiliary or spare tires on trailers. Monitoring the pressure of all tires, on all vehicles is a safety feature that should not be limited to only one vehicle, but should include vehicles such as trailers. The safety on the roadway will be enhanced if the pressure-monitoring feature was used for all vehicles.

For claim 14, as applied to claim 8, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 4 as stated above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Liu et al. (U.S. 5,760,682) discloses a method for detecting a deflated tire on a vehicle. All other pertinent references are included in the Information Disclosure Statement.

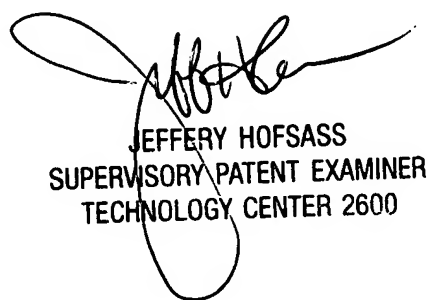
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (703) 305.2267. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (703) 305.4717. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308.6743 for regular communications and (703) 308.6743 for after final communications.

Art Unit: 2636

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305.3900.

Jennifer Stone
September 15, 2003



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600